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RANDY R. MITCHELL, D.D.S.

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

16 RANDY R. MITCHELL D.D.S.,) Case No.: C 07-05722 CRB
17 Plaintiff,)
18 vs.) STIPULATION AND PROPOSED ORDER
19) FOR DISMISSAL WITH PREJUDICE
20 MINNESOTA LIFE INSUURANCE)
21 COMPANY, STANDARD INSURANCE)
COMPANY, AND, DOES 1 through)
10, inclusive,)
22)
23 Defendants.) No Hearing Set or Required.
24)
25)
26 I. STIPULATION FOR DISMISSAL WITH PREJUDICE.
27 Following settlement of this matter on terms that are
28 confidential, each and all of the parties hereto, by and through
their respective counsel, stipulate to the dismissal of this

1 entire action with prejudice pursuant to Federal Rule of Civil
2 Procedure 41(a)(1)(ii), each party to bear his or its own costs,
3 expenses and attorney fees. The parties further stipulate that
4 this Court shall retain continuing jurisdiction over any dispute
arising out of the settlement of this matter. *The parties add*
5 *that there is no dispute currently and none is anticipated.*

6
7 SO STIPULATED:

8 Dated: March 19, 2008

9
10 /s/
11 WARREN H. NELSON, JR.
A PROFESSIONAL CORPORATION
6161 El Cajon Boulevard, # 273
San Diego, CA 92115

12 Attorney for Defendants
13 MINNESOTA LIFE INSURANCE COMPANY
and STANDARD INSURANCE COMPANY

14
15 SO STIPULATED:

Dated: March 19, 2008

16 /s/
17 MICHAEL B. HORROW
DONAHUE & HORROW LLP
222 N. Sepulveda Blvd, 20th Floor
El Segundo, CA 90245

18 Attorney for Plaintiff
19 RANDY R. MITCHELL, D.D.S.

20 II. PROPOSED ORDER DISMISSING CASE WITH PREJUDICE

21 The Court, having considered the foregoing stipulation of
22 the parties now dismisses this action with prejudice, each party
23 to bear, as the case may be, his or its own fees, costs and
expenses. The Court retains jurisdiction of this matter to the
24 extent necessary to resolve any dispute among the parties
25 arising out of the settlement of this matter and notes that the
26

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28

1 parties have represented to the Court that there is no dispute
2 currently and none is anticipated.

3 IT IS SO ORDERED on this ____ day of _____, 2008:

4
5 CHARLES R. BREYER
U. S. DISTRICT COURT JUDGE